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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/088,376	03/11/2002	Ines Mangels	IN -5562	5147

26922 7590 01/15/2004

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EXAMINER
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NILAND, PATRICK DENNIS

ART UNIT	PAPER NUMBER
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1714

DATE MAILED: 01/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/088,376	MANGELS ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Patrick D. Niland	1714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 24-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 24-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____.  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____. | 6) <input type="checkbox"/> Other: _____                                    |

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 24-28, 30, and 35-36 are rejected under 35 U.S.C. 102(b) as being anticipated by EP 905157 A1 Doolan et al..

The coatings of the prior art fall within the scope of the instant claims since the articles coated are all coated with more than one coat, i.e. "multicoat" or can be used to "refinish" the items "finished".

Doolan discloses using polyurethane associative thickeners in coating systems falling within the scope of the coating systems of the instant claims and that such thickeners give improved leveling and gloss retention of the instantly claimed methods and coatings, i.e. suppress optical defects in a paint system. See the abstract; page 3, lines 48-58; and the entire document.

4. Claims 24-26, 28-30, and 35-36 are rejected under 35 U.S.C. 102(b) as being anticipated by US Pat. No. 5698628 Masuda et al..

The coatings of the prior art fall within the scope of the instant claims since the articles coated are all coated with more than one coat, i.e. "multicoat" or can be used to "refinish" the items "finished".

Masuda et al. discloses the instantly claimed methods and coatings as they disclose the use of the instantly claimed monoalkyl ethers of dipropylene glycol for improving film forming ability, which will necessarily give the instantly claimed suppression of optical defects, in the instantly claimed coatings. See the abstract; column 1, lines 5-14; column 14, lines 40-67; column 15, lines 1-67; column 16, lines 1-24; and the entirety of the document.

5. Claims 24-30, and 35-36 are rejected under 35 U.S.C. 102(b) as being anticipated by US Pat. No. 5726244 McGee et al..

The coatings of the prior art fall within the scope of the instant claims since the articles coated are all coated with more than one coat, i.e. "multicoat" or can be used to "refinish" the items "finished".

McGee et al. discloses the instantly claimed methods and coatings as they disclose the use of the instantly claimed monoalkyl ethers of dipropylene glycol for improving film flowing ability, which will necessarily give the instantly claimed suppression of optical defects, in the instantly claimed coatings. See the abstract; column 1, lines 5-67; column 6, lines 1-13; column 7, lines 1-67; column 8, lines 1-67, particularly 34-67; column 9, lines 1-24; and the remainder of the document.

6. Claims 24-41 are rejected under 35 U.S.C. 102(b) as being anticipated by US Pat. No. 5204401 Anderson, Jr. et al..

The coatings of the prior art fall within the scope of the instant claims since the articles coated are all coated with more than one coat, i.e. "multicoat" or can be used to "refinish" the items "finished".

Anderson, Jr. et al. discloses the instantly claimed methods and coatings as they disclose the use of the instantly claimed polyurethane associative thickeners for improving pigment control (column 3, lines 46-57). The organic solvents are known to give coalescence of the film, as taught by the references above, inherently. Thickeners are known to give good leveling, as taught by the references above, inherently. Such coalescing and leveling gives necessarily and inherently, the instantly claimed suppression of optical defects, in the instantly claimed coatings. See the entire reference, particularly the abstract; column 3, line 46 to column 16, line 42.

7. Claims 24-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of EP 905157 A1 Doolan et al., US Pat. No. 5698628 Masuda et al., US Pat. No. 5726244 McGee et al., and US Pat. No. 5204401 Anderson, Jr. et al..

It would have been obvious to one of ordinary skill in the art at the time of the instant invention to use the instantly claimed associative thickeners in the coatings of the instant claims because they are generally known to improve film forming characteristics such as levelling and coalescing which will necessarily give improved optical characteristics to the film as taught in the above cited prior art.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick Niland whose telephone number is

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(571) 272-1121. The examiner can normally be reached on Monday through Thursday from 10 a.m. to 5 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan, can be reached on (571) 272-1119. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

pn

January 11, 2004

  
Patrick Niland  
Primary Examiner  
Art Unit 1714